

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JACOB ALEXANDER BLINKE,
Plaintiff

v.

LINDY LANE SWEENEY, et al.,
Defendants

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No. 1:23-cv-01259

(Judge Kane)

(Magistrate Judge Saporito)

ORDER

Before the Court in the above-captioned action is the August 1, 2023 Report and Recommendation of Magistrate Judge Saporito (Doc. No. 6), recommending that the Court dismiss this action with prejudice upon a statutorily mandated screening review of pro se Plaintiff Jacob Alexander Blinke (“Plaintiff”)’s complaint because it fails as a matter of law given its assertion of 42 U.S.C. § 1983 false arrest and malicious prosecution claims based on criminal charges to which he pleaded guilty.¹ (Id. at 3–6.) No timely objections to the Report and Recommendation have been filed.

ACCORDINGLY, on this 21st day of August 2023, upon independent review of the record and the applicable law, **IT IS ORDERED THAT:**

1. The Court **ADOPTS** the Report and Recommendation (Doc. No. 6) of Magistrate Judge Saporito;
2. This action is **DISMISSED WITH PREJUDICE**; and

¹ Magistrate Judge Saporito’s Report and Recommendation acknowledges that typically complaints subject to dismissal under the screening provisions of 28 U.S.C. § 1915 are dismissed without prejudice to a plaintiff’s ability to amend his or her complaint; however, here, based on the facts alleged in Plaintiff’s complaint and those judicially noticed, Magistrate Judge Saporito recommends that any amendment to Plaintiff’s complaint would be futile. See (id. at 6) (citing Grayson v. Mayview State Hosp., 293 F.3d 103, 108 (3d Cir. 2002)).

3. The Clerk of Court is directed to **CLOSE** this case.

s/ Yvette Kane
Yvette Kane, District Judge
United States District Court
Middle District of Pennsylvania